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MD

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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SPUD-100

LEONARDI & LEONARDI
3001 FERRY BLDG
ATTN: ALFRED A. LEONARDI
SAN FRANCISCO CA 94111

10/01/97

EXAMINER

009501.1A

ART UNIT

PAPER NUMBER

2738

DATE MAILED:

10/01/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/963,001

Applicant(s)

BROWN

Examiner

Afsar M. Qureshi

Group Art Unit

2738



- ☐ Responsive to communication(s) filed on _____.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) 1-20 is/are pending in the application.
- Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-5 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☒ Claims 6-20 are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☒ The drawing(s) filed on Oct 31, 1997 is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☒ Notice of References Cited, PTO-892
- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-5, drawn to structure of switches, classified in class 341, subclass 22.
 - II. Claims 6-11, drawn to the control device of back lighting such as electro-luminescent, classified in class 345, subclass 102.
 - III. Claims 12-20, drawn to power control, classified in class 340, subclass 636.

2. The inventions are distinct, each from the other because of the following reasons:
Inventions I, II and III are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because invention Group I can function without the features as claimed in Group II and Group III separately or in combination of the two groups. The subcombination has separate utility such as controllable light sources for the input device selection key as in Group II or status light and power control as in Group III.

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

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4. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II and Group III, restriction for examination purposes as indicated is proper.

5. During a telephone conversation with Alfred A. Equitz (Attorney Docket no. SPCO-100) on September 23, 1999 a provisional election was made without traverse to prosecute the invention of Group I, claims 1-5. Affirmation of this election must be made by applicant in replying to this Office action. Claims 6-20 are withdrawn from further consideration by the examiner, 37 CAR 1.142(b), as being drawn to a non-elected invention.

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Drawings

6. The drawings are objected to under 37 CAR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the control circuitry having first terminals and second terminals; switching circuitry; first switch; second switch; first input device and second input device must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsakiris et al. (U.S. Patent No. 5,204,768) in view of Nakamura (U.S. Patent No. 5,610,797).

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- Consider claims 1 and 2, Tsakiris et al. (Tsakiris hereinafter) disclose a remote control electronic presentation system utilizing a remote control, a digital computer, a remote control transceiver, communication ports and a projector (see figure 1). The digital computer 101 monitors the serial port connected to the remote control transceiver 121 (fig.1). When data is received at its serial port, digital computer 101 shuts off running of any applications program, if the data is a command to reprogram wireless remote control 123 to operate a display device 114, the digital computer 101 executes, as directed by the remote control and the response pad manager program (see figures 2a - 2f, and col. 5, lines 3-56).

In the presentation system, as assembled by Tsakiris, the digital computer 101 is capable of functioning in similar way as described in application claim 1 herein, with terminals 114, 109 etc., and control circuitry as in remote control 123, transceiver 121 to assert first input device and response pad transceiver 127 to assert second input device.

Tsakiris does not specifically discuss rubberized keys implementing the moveable contact, as claimed herein. However, Nakamura discloses a detailed structure of keypad (see figure 1 and 2) mounted over a frame. The mounted keys 2 and 3 are control circuitry, controlling underlying push-button switches for changing over the functions of the composite facsimile device in which the control pane apparatus is set (see col. 2, lines 29-67 through col. 3 lines 1-13).

Therefore it would have been obvious to a skilled artisan in modern communication system, at the time of invention, to generally recognize the structure of control panel in the control panel apparatus, as disclosed by Nakamura, and incorporated these features into the

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system taught by Tsakiris, so that control circuitry can be configured in such a way to assert a first input device selection signal to switch circuitry (digital computer 101) in response to closing a first switch and to assert a second input device selection signal in response to closing of a second switch.

Rubberized keys mounted to the frame is a matter of choice depending on function of the keys and is well known. One such idea is disclosed by William McRight et al. (U.S. Patent No. 5,581,251) where a rubberized keypad is shown in a lighted keyboard system (included for reference purpose only, a copy is provided).

-Considering claim 3 and 4, further to discussion in claims 1& 2 above, Nakamura discloses a thin wall portion 1b serving as retainer (see col. 4, lines 26-43) [claim 3].

The display cover 1 (figure 5) described by Nakamura further discloses icons 4 and 5 as being transparent (see col. 4, lines 44-61, col. 3, lines 64-66 and figure 7) [claim 4].

-Considering claim 5, as discussed in claim 1 above, Tsakiris discloses a data projector 117 (see figure 1) coupled to terminals. Although these display devices are shown to be coupled to the digital computer with common line 113, each display device is connected to separate ports on digital computer 101 (see col.4, lines 28-44).

Control circuitry configured to assert a first input device selection, as claimed herein, is discussed in claim 1 above.

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Thus, it would have been obvious to one skilled in the art, at the time of invention, to be able to include transparent material as retaining element such as taught by Nakamura in the system disclosed by Tsakiris having terminals configured to be coupled to an audio-visual projector and input devices.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Baskin et al. (U.S. Patent No. 5,307,055) disclose a display control device incorporating a hand-held display control including an array of key switches.

McRight et al. (U.S. Patent No. 5,581,251) disclose a lighted keyboard system with rubberized keypad.

Kohler (U.S. Patent No. 4,712,105) discloses a remote control hand apparatus for operating different modules such as TV receiver, teletext decoder, video recorder, audio system, etc. The control function of each key is discussed and is shown on the display-element.

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Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Afsar M. Qureshi* whose telephone number is (703) 308-8542. The examiner can normally be reached on Monday through Friday from 8:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Hassan Kizou**, can be reached on (703) 305-4744.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

11. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks, Washington, D.C. 20231

or faxed to: (703) 308-6743, (for formal communications intended for entry)

Or: (703) 308-5403 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Afsar M. Qureshi

September 24, 1999



ALPUS H. HSU
PRIMARY EXAMINER